

No. 7789

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**UNITED STATES OF AMERICA  
and  
SPAIN**

**Exchange of notes constituting an agreement relating to a  
commission for cultural exchange and financing of  
exchange programs. Madrid, 18 March 1964**

*Official texts: English and Spanish.*

*Registered by the United States of America on 21 May 1965.*

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**ÉTATS-UNIS D'AMÉRIQUE  
et  
ESPAGNE**

**Échange de notes constituant un accord relatif à une com-  
mission des échanges culturels et au financement de  
certains programmes d'échanges. Madrid, 18 mars  
1964**

*Textes officiels anglais et espagnol.*

*Enregistré par les États-Unis d'Amérique le 21 mai 1965.*

No. 7789. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT<sup>1</sup> BETWEEN THE UNITED STATES OF AMERICA AND SPAIN RELATING TO A COMMISSION FOR CULTURAL EXCHANGE AND FINANCING OF EXCHANGE PROGRAMS. MADRID, 18 MARCH 1964

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I

*The American Ambassador to the Spanish Minister of Foreign Affairs*

No. 833

Madrid, March 18, 1964

Excellency :

On behalf of the Government of the United States of America, and in accordance with the first paragraph of article XI of the Agreement between the Government of the United States and the Government of Spain for financing certain educational exchange programs which states that " The present Agreement may be amended by an exchange of diplomatic notes between the Government of the United States of America and the Government of Spain, " I have the honor to propose to Your Excellency's Government, by means of this note, amendment of the Agreement.

It is proposed that the amendment constitute a complete revision of the articles of the Agreement and that it shall supersede the articles signed by the two Governments at Madrid on October 16, 1958.<sup>2</sup>

The proposed amendment is as follows :

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF SPAIN FOR FINANCING CERTAIN EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

The Government of the United States of America and the Government of Spain, desiring to promote further mutual understanding between the peoples of the United States of America and Spain by an increase in scientific, technical, professional and cultural exchanges,

Have agreed as follows :

*Article 1*

There shall be established a commission to be known as the Commission for Cultural Exchange between the United States of America and Spain (hereinafter designated "the Commission"), which shall be recognized by the Government of the United States of America and the Government of Spain as an organization created and established to facilitate the administration of an educational and cultural program to be financed by funds made available to the Commission under the terms of this Agreement.

<sup>1</sup> Came into force on 18 March 1964 by the exchange of the said notes.

<sup>2</sup> United Nations, *Treaty Series*, Vol. 336, p. 153, and Vol. 400, p. 405.

Except as provided in Article 3 hereof, the Commission shall be exempt from the domestic and local laws of the United States of America as they relate to the use and expenditure of currencies and credits for currencies for the purposes set forth in the present Agreement. Such funds, as well as property acquired for the furtherance of the Agreement, shall be regarded in Spain as property of a foreign government.

The funds made available by the Government of the United States of America under the present Agreement, within the conditions and limitations hereinafter set forth, shall be used by the Commission for the purpose of :

(1) Financing studies, research, instruction and other educational activities of or for citizens and nationals of the United States of America in Spain, and of or for citizens and nationals of Spain in United States schools and institutions of learning located in or outside the United States of America;

(2) Financing visits and interchanges between the United States of America and Spain of students, trainees, teachers, instructors and professors; and

(3) Financing such other related educational and cultural programs and activities as are provided for in budgets approved in accordance with Article 3 hereof.

#### *Article 2*

In furtherance of the aforementioned purposes, the Commission may, subject to the provisions of the present Agreement, exercise all powers necessary to the carrying out of the purposes of the present Agreement, including the following :

(1) Plan, adopt and carry out programs in accordance with the present Agreement.

(2) Recommend to the Board of Foreign Scholarships of the United States of America such qualifications for the selection of participants in the program as it may deem necessary for achieving the purpose and objectives of the present Agreement.

(3) Recommend to the aforesaid Board of Foreign Scholarships students, trainees, professors, research scholars, teachers, and instructors, resident in Spain, to participate in the programs.

(4) Authorize the Treasurer of the Commission or such other person as the Commission may designate to receive funds to be deposited in a bank or banks designated by the Commission and approved by the Secretary of State of the United States of America, in the name of the Treasurer of the Commission or such other person as may be designated. The appointment of the Treasurer or such designee shall be approved by the Secretary of State of the United States of America.

(5) Authorize the disbursement of funds and the making of grants and advances of funds for the authorized purposes of the present Agreement, including payment for transportation, tuition, maintenance, and other expenses incident thereto.

(6) Provide for periodic audits of the accounts of the Treasurer of the Commission as directed by auditors selected by the Secretary of State of the United States of America.

(7) Incur administrative expenses as may be deemed necessary out of funds made available under the present Agreement.

(8) Administer or assist in administering or otherwise facilitate educational and cultural programs and activities that further the purposes of the present Agreement but are not financed by funds made available by the Government of the United States of

America under this Agreement, provided, however, that such programs and activities and the Commission's role therein shall be fully described in annual or special reports made to the Secretary of State of the United States of America and the Minister of Foreign Affairs of Spain as provided in Article 6 hereof, and provided that no objection is interposed by either of them to the Commission's actual or proposed role therein.

### *Article 3*

All commitments, obligations, and expenditures authorized by the Commission from funds made available by the Government of the United States of America shall be made in accordance with an annual budget to be approved by the Secretary of State of the United States of America.

### *Article 4*

The Commission shall consist of ten members, five of whom shall be citizens of the United States of America and five of whom shall be citizens of Spain. In addition the principal officer in charge of the Diplomatic Mission of the United States of America to Spain (hereinafter designated "Chief of Mission") shall be Honorary Chairman of the Commission. He shall cast the deciding vote in the event of a tie vote by the Commission. The Commission will choose a Chairman by electing him from the members. The Chairman as a regular member of the Commission shall have the right to vote. The Spanish members shall be appointed and removed by the Minister of Foreign Affairs of Spain. The citizens of the United States of America on the Commission, at least two of whom shall be officers of the United States Foreign Service establishment in Spain, shall be appointed and removed by the Chief of Mission. In the event that the Spanish members have voted unanimously against a proposal, a period of two weeks will be allowed for appropriate consultation on the differing viewpoints.

### *Article 5*

The Commission shall adopt such by-laws and appoint such committees as it may deem necessary for the conduct of its affairs. Such by-laws shall not be in conflict with Spanish legislation or that of the United States of America.

### *Article 6*

Reports acceptable in form and content to the Secretary of State of the United States of America shall be made annually on the activities of the Commission to the Secretary of State of the United States of America and the Minister of Foreign Affairs of Spain. Special reports may be made more often at the discretion of the Commission or at the request of either the Secretary of State of the United States of America or the Minister of Foreign Affairs of Spain.

### *Article 7*

The principal office of the Commission shall be in the capital city of Spain but meetings of the Commission and any of its committees may be held in such other places as the Commission may from time to time determine, and the activities of any of the

Commission's officers or staff may be carried out at such places as may be approved by the Commission.

#### *Article 8*

There may be used for the purposes of this Agreement any funds, including currency of Spain, held or available for expenditure by the Government of the United States of America for such purposes, and contributions to the Commission from any source.

The Secretary of State of the United States of America will make available for expenditure as authorized by the Commission funds in such amounts as may be required for the purposes of this Agreement, but in no event may amounts of such funds in excess of the budgetary limitations established pursuant to Article 3 of the present Agreement be expended by the Commission.

The performance of this Agreement shall be subject to the availability of appropriations to the Secretary of State of the United States of America when required by the laws of the United States of America.

#### *Article 9*

The Government of the United States of America and the Government of Spain shall make every effort to facilitate the exchange-of-persons programs authorized in this Agreement and to resolve problems which may arise in the operations thereof.

#### *Article 10*

Wherever, in the present Agreement, the term "Secretary of State of the United States of America" is used, it shall be understood to mean the Secretary of State of the United States of America or any officer or employee of the Government of the United States of America designated by him to act in his behalf.

#### *Article 11*

The present Agreement may be amended by the exchange of diplomatic notes between the Government of the United States of America and the Government of Spain.

The amended Agreement shall come into force upon the date of the note by which Your Excellency's Government agrees to the amended text which is transmitted to Your Excellency in this note. The English text of the amended Agreement set forth above, and the Spanish text as set forth in the note of the Government of Spain shall be of equal authenticity.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

Robert F. WOODWARD

Signed at Madrid, Spain, on March 18, 1964

His Excellency Fernando María Castiella y Maíz  
Minister of Foreign Affairs  
Madrid

Aprovecho esta oportunidad para renovar a V.E. las seguridades de mi más alta y distinguida consideración ».

Tengo la honra de manifestar a V.E. la conformidad del Gobierno español con el texto que antecede.

Aprovecho esta oportunidad para hacerle patente, Señor Embajador, las seguridades de mi más alta y distinguida consideración.

Fernando CASTIELLA

Sr. Robert F. Woodward  
Embajador Extraordinario y Plenipotenciario  
de los Estados Unidos de América

[TRANSLATION<sup>1</sup> — TRADUCTION<sup>2</sup>]

MINISTRY OF FOREIGN AFFAIRS

R. C.

Madrid, March 18, 1964

Excellency :

I have the honor to acknowledge receipt of your note of this date, which reads as follows :

[*See note I*]

I have the honor to signify to Your Excellency the agreement of the Spanish Government to the foregoing text.

I avail myself of this opportunity to express to Your Excellency the assurances of my highest and most distinguished consideration.

Fernando CASTIELLA

Mr. Robert F. Woodward  
Ambassador Extraordinary and Plenipotentiary  
of the United States of America

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<sup>1</sup> Translation by the Government of the United States of America.

<sup>2</sup> Traduction du Gouvernement des États-Unis d'Amérique.